

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 1:07cr183-WKW
)	
RICKEY RANDELL WREX SMITH)	

RESPONSE TO DEFENDANT'S MOTION FOR COMPETENCY HEARING

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and moves this Court to cancel the competency hearing currently scheduled in this case for June 9, 2008. There is no need for a hearing, as the parties now agree that the defendant is competent and currently capable of proceeding to trial. *See* Letter from Alex R. Tandy, Esq. (attached hereto as Exhibit 1); *see also* Forensic Evaluation Report by Karl Kirkland, Ph.D. (attached hereto as Exhibit 2).

Respectfully submitted this the 19th day of May, 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Nathan D. Stump
NATHAN D. STUMP
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CERTIFICATE OF SERVICE

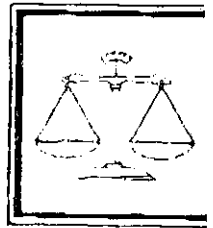
I, Nathan D. Stump, Assistant United States Attorney, hereby certify that on this the 19th day of May, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically serve a copy upon all counsel of record, including Alex R. Tandy, Esq., counsel for Defendant.

Respectfully submitted,

/s/Nathan D. Stump
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May 16, 2008

Judge William Keith Watkins
1 Church Street
E300
Montgomery, AL 36104

Re: USA vs. Smith
Cause No. 1:07-CR-183

Dear Honorable Judge Watkins:

I waive any hearing of competency in the above referenced matter, as both examiners concluded that the defendant is competent to stand trial.

Your attention in this matter is greatly appreciated.

Sincerely,

Alex R. Tandy

ART:ce

cc: Nathan D. Stump
U. S. Attorney's Office
P. O. Box 197
Montgomery, AL 36101-0197

Via Facsimile 334 223-7280